

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL L. ST. GERMAIN,
Plaintiff,

CIVIL ACTION NO. _____

V.

"INITIAL COMPLAINT"

OFFICE OF THE SHERIFF
GUY W. GLADIS (other deputies),
DISTRICT ATTORNEY
JOSEPH EARLY (assistant D.A.);
et al.
Defendants.

42 U.S.C. §§ 1983, 1985, 1986,

The Plaintiff, hereby files this initial Complaint in Good Faith, and seeks redress on one and several Offices, entities, and/or Corporations; who while acting under the color of Law, either directly or indirectly, in their Person[s] and individual capacities, violate numerous rights, privileges, or immunities of the Plaintiff, by their conduct, Plan, and or Actions.

These offices, entities, or Corporations; with the Persons, contractors, or employees therein, did in both their official and personal capacities; collectively and individually, deprive the Plaintiff under the Constitution or Laws, the rights of equal Protection, fundamental fairness, cruel and unusual Punishment, Due Process, access to Courts; by threat of force and intimidation with deprivation... causing stress, duress, oppression, detention and fear of which certain illegal Seizure, and imprisonment resulted by malicious Prosecution, abuse of Process by fraud and Perjury did Proceed, deprive and Prosecute.

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"PARTIES"

Plaintiff[s]:

- (a) DANIEL L. ST. GERMAIN
5 PAUL X. TIVNAN DRIVE
WEST BOYLSTON MA 01583
- (b) SHERRY N. ST. GERMAIN (wife)
being deprived of spouse by false imprisonment.
- (c) C.S. (minor child) being deprived of unified family by malicious false imprisonment.

Defendant[s]:

- (d) GUY W. GLADDIS (Sheriff and other deputies, mental health and medical staff)
5 PAUL X TIVNAN DRIVE
WEST BOYLSTON MA. 01583
et, al.,
- (e) JOSEPH EARLY Jr. (individual/Personal Dist. Attorney assistants' un-named)
DISTRICT ATTORNEY
225 Main Street
Worcester MA. 01608
et, al.,

"JURISDICTIONAL STATEMENT"

This is a federal civil rights complaint for agencies or persons who are acting under the color of law to violate rights or law... and of which the location of the Plaintiff and defendants at the time of the acts were living, working, elected, or incarcerated in WORCESTER COUNTY within the (state) COMMONWEALTH of Massachusetts in the District of this federal court and within the mandated region of the first circuit court of Appeal.

"COMPLAINT FORMAT"

This complaint is presented as outlined in federal Rules of Civil Procedure 8(a) and 10(b) respectively with exhibits annexed thereto.

"PRELIMINARY STATEMENT"

This is a complaint couched in federal civil rights violations; of a person being physically and emotional abused and retaliated against for assisting less fortunate and functionally illiterate inmates to assist in their individual criminal cases and in some instances seeking federal relief, as well as representing himself.

The Plaintiff enters into the Jail like another pretrial detainee, but soon finds threats, intimidation, and a set up fight by staff, that ultimately leads the Plaintiff into the Bowels of the institution; stripped naked, and subject to the Jail's attempts to stifle the Plaintiff in his civil rights activist role in the Jail; which now has effectuated the filing of this suit against a malicious group of individuals purporting to act under the color of law to violate the constitution on multiple levels... the facts now follow; as the Sheriff's vindictive criminal charge is an attempt to bar this action under *HECK v. HUMPHREY* but *Willison v. Johnson* and *Muhammad v. Close* are applicable in this case of denial of due process and remedies.

"FACTS"

1) ON or about April 29th 2010 the Plaintiff (ST. Germain) was received in the Worcester County house of Corrections (Jail) on remand from the State District Court in Worcester MA.,

2) ST. Germain had just been extradited as a fugitive from Florida after some 17 years. (see EXHIBIT B in its entirety)

3) The Criminal Complaints were 2 Probation Violation cases from 1993...and one Count of ARMED ROBBERY from 1994.

4) ST. Germain is a Pro se Litigant beyond the experience generally witnessed in Jail and Prisons.

5) This extra-ordinary Litigating talent Places ST. Germain in the 'Spot Per se' in Jails where the Legal needs are always Great.

6) ST. Germain filed immediately into his criminal case [S] 94-_____ 93-_____; 93-_____ notice of appearance[S] and Discovery motions.

7) ST. Germain also drafted a lengthy 42 U.S.C. §1983 Civil Complaint in the Federal Court in Tampa Fla. in less than 10 days from his arrival at the Jail, case # 8:10-cv-01194-TBW. (see EXHIBIT A herein incorporated)

8) Within 4 weeks of his arrival at the Jail, ST. Germain filed a 28 U.S.C. §2254 Petition for Writ of Habeas Corpus, case No: 10-40102-FDS and also filed a "Removal action" under 28 U.S.C. §§1441-52 Governed by Fed.R. 81 and Local Rule 5.4...in case No: 4:10-cv.-40150-FDS...
(see EXHIBIT B herein incorporated)

9) Jail officials, inmates, and the Jail Lawyer[S], took immediate notice of the Little Guy from Florida[S] who is making huge Photo COPY request,

with Large Bulk mailings and extensive research materials and Law Books who was held on a \$100,000 dollar bail on arrival and 21 days later was offered 90 days in the County Jail on a reduced misdemeanor. (which was refused).

10) The Plaintiff was assisting every inmate who requested help as to how to research Rules, Statutes, codes, chapters, and individuals assisting in drafting Letters to their attorneys on the record, and Probed drafts of motions as amicus curers to Preserve ineffectiveness on the face of the record if needed later.

11) These are just a few of the activities presented as to establish the up front, honest, free, and meaningful service the Plaintiff provided, which actually attracted Jail Guards to seek Legal Ideas and redress avenues that the Law provided for some of the Jailers Personal needs. (see federal #10-40102 FDS Dkt #12)

"NOTICE OF RETALIATION"

12) While moving through the Jail on the morning of June 17, 2010 an officer in the transport area said "You're the guy that's raising hell".

13) upon being received at the court house that morning an officer at the receiving area said in a whisper... be careful there are people here not happy with your "Legal Eagle" activity.

14) When the Plaintiff returned that evening to the Jail, several inmates who were preparing to file "Removal actions" and others... were pleading with the Plaintiff to Lay Low, don't be so up front and honest on the open tier with your Books, Papers, and other things, or activity that might be putting me in danger. (see federal Docket #12 in case number 10-40102-FDS)

15) The Plaintiff does not associate fear or danger in the course of being a U.S. citizen in litigation or redress issues or where helping others is concerned.

16) Slight comments from staff and inmates did start to compel apprehension in the Plaintiff by mid and late June 2010.

17) ON or about June 27, 2010 the Plaintiff decided he would file for an injunction for Protection or at least to preserve his fears of which 16 other inmates signed in fear of losing "meaningful" access to courts.

(see EXHIBIT C here-in incorporated)

18) The next day approximately 6-28-10 St. Germain was locked in his cell for 24 hours as a result of this petition and was denied his evening mail, (see Dkt #12 in fed. case number 10-40102)

19) of course officials didn't say why the lock down was imposed or did they give notice in writing or verbal as to why I was locked down.

20) The Plaintiff had another inmate "SLIP" the motion for injunction into the mail without retaining a copy because the situation was growing urgent.

21) In some 30 years of assisting inmates and free men alike...the Plaintiff, has run the gamut and been through praise and torture...and the current conditions raised 30 years of instinctual apprehension to upcoming possible damage, on followed through threats of deputies.

22) In the last week of June 2010 an inmate by the name of Adam Saksa was brought into H Block cell 120.

23) Although Adam is slight of build...he was a pre-trial detainee on 2 previous beatings on 2 occasions; being one with a baseball bat, and the 2nd offense with a 2x4 board.

24) This individual with a propensity to violence, was moved into cell 124 of H Block several hours after being brought in (St. Germain is in 124), to set the stage per se'. (why move him)?...

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25) officials Placed Adam Saks in the Plaintiffs cell to have Saks assist in obtaining a "D" Board against the Plaintiff to stop his assisting inmates in a prospective class action suit.

26) ON June 30, 2010 the federal court received the motion under emergency rules for an injunction against the Jail (Persons), (see EXHIBIT "C")

27) on or about July 5, 2010 a fabricated "FIGHT" was reported and the Plaintiff was locked in cell H-124 while Adam Saks was moved to I Block as the Perpetrator of the alleged fight. (see EXHIBIT "D" attached)

28) ON JULY 6, 2010 a Sgt. C.O. entered cell H-124 and handed the papers relating to waivers or retention of rights to St. Germain. (see EXHIBIT "E" ("D" Board Papers))

29) St. Germain looked at the 3 pages and asked that the boxes not being checked off indicated no waiver of rights; and the Sgt said I'm the Law here just sign them... I responded... I execute the Law outside and I always retain my rights without waiver. (see EXHIBIT "E" attached)

30) At this point I believed by signing the receipt of this "D" Board Paper work as it was absent check marks, did properly retain my hearing and witnesses with appeal... So I signed. (see EXHIBIT "E")

31) Upon receiving my copies back after my CONNECTION, several days later, without confrontation, witnesses, or appeals form... I noticed 3 distinct styles of check marks (X) on the papers I previously signed now waived ALL MY RIGHTS. (see EXHIBIT "E")

32) I received 20 days lock down in my cell as a result of the "D" Board hearing. (see EXHIBIT "E")

33) Over the next several days I requested assistance from Guards at count time to help obtain a Grievance form for my due process violations in the 'D' Board Document[s] and Proceedings.

34) I was always met with...you have to ask a Lt., or CPL. for a Grievance form. (Lt. and Captains do not generally hang around or frequent the Block).

35) Over the 12 day period from July 5, 2010 through July 17, 2010 the Plaintiff had 3 cell mates (not being disciplined) forced into not being able to enter and exit their cell at tier times like other inmates and actually had to yell and raise hell to get out for meals and other Liberty times the General Population enjoys. (See EXHIBIT 'F') (resulting in cell mate tensions).

36) St. Germain was told by Staff, this is not a Grievable issue when requesting another Grievance for the Liberty interest of none disciplined cellmates.

37) St. Germain previously discussed with "RICH" the Jail Lawyer (Bounds) that he feared Prison officials separating him from his multiple Jurisdictional case files and his ability to make multiple Deadlines if Separated. (See EXHIBIT 'F')

38) I believe "RICH" was responsible for helping secure me in my cell for 20 days and not the "Whole"; thereby thwarting the separating me from Population and removing legal work with RICH now being notified of the Plaintiff's concerns.

39) However after the Plaintiff was DENIED his federal injunction on July 15, 2010 BY Judge Saylor (Fed. Dist. Ct.), and St. Germain having been denied 3 shower days and 7 meals; with the 8th meal denied on July 17, 2010, the Plaintiff declared a hunger strike as he was already halfway starving and without a Grievance Process or court injunction... the Plaintiff Pursued the next alternative i.e. Hunger strike. (See EXHIBIT 'F')

40) The Plaintiff was promptly removed from H Block while officials left ALL his legal work behind in the cell and later miss placed and lost.

41) The only property retained was a pair of Rebock Tennis shoes of which were removed and lost when ST. Germain was stripped naked minutes later and placed on SUICIDE watch in cell 10 of that Block.

42) The Plaintiff knew all the security, mental health, and medical procedures a hunger strike requires for preservational purposes as well as corrective purposes; and documentation, by paper trail, to seek institutional remedy was the intent.

43) Upon mental health's FIRST ARRIVING, and the first available documentation of the hunger strike, Security LIED and said ST. GERMAIN was refusing the opportunity to document what he declared to document.

44) ST. GERMAIN finally saw mental health in the suicide unit, and when opportunity arose, mental health was made aware that ST. Germain was being 'punished' for his hunger strike based in part on NOT BEING FED on the Block, and mental health has never diagnosed hunger strikes as suicidal tendency.

45) In addition... St. Germain made clear his hunger strike now evolved into denying him his ACTIVE... EXTENSIVE... TIME SENSITIVE legal material and ability to reply, respond or seek redress. (see EXHIBIT H)

46) Medical and Security investigations of the hunger strike were also consistently given the same information by Plaintiff as to his several grievances for preservational purposes of WHICH I TOLD ALL INTERVIEWERS AND STAFF that without voluntary correction of policies that I was and am now as promised seeking civil litigation for change of illegal and unconstitutional policies resulting in damage to me with relief.

47) After Medical completed one of their Vital Signs checks... the nurse took the first initiative to get a Grievance form and assist in resolving the hunger strike and issues therein be the cause.

48) This nurse got a Lt. to "hear" my several Grievance issues who signed and ISSUED "ONE" GRIEVANCE form a short time late in the Suicide watch... cell 10... with the issuance of a rubber Pen to fill out the form. (see EXHIBIT "F")

49) The naked inmate armed with nothing but ONE FORM and ONE PEN was left to file his complaint.

48) I asked the Guard on duty if there was anything specific I needed to see/read or do to assist in this process.

49) The Guard said just follow the directions on the form.
(see EXHIBIT "F")

50) The deal struck with the Lt. at the central office who gave me the Grievance, was that after they received my complaints and returned my legal work... I would eat.

51) I ate immediately after filling out the Grievance and was then put in clothes (without my sneakers) and moved to the WHOLE.

52) ST. GERMAIN waited approximately 24 hrs to be reunited with his legal work and mail with ability to reply... but once again denied.
(Deadlines... see EXHIBIT "H")

53) After a Jail Lawyer "JOHN" checked on me in the whole, I informed him to tell Security that I am declaring another hunger strike as they reneged on the deal and continued to deny access to courts (my legal work).

54) ST GERMAIN was once again placed (naked) on suicide watch in cell 5.

55) ONCE again mental health, medical and security were informed I was not suicidal and I received my legal work which appeared lost at that time and a 2 day search commenced.

56) A captain from my "original" mad's location came to see if he could help resolve the legal material and Tennis shoe missing issues.

57) I told this captain I didn't need another law suit or additional court filings but your department is leaving me NO OPTION, the lockdown policies, feeding process, suicide watch for hunger strike in food deprivation issues and the separation of legal work with no due process in 'D' boards, appeals and grievance.

58) Several hours later the captain returned and said he had my legal material right outside... Now eat, is and STOP WITH THE JAIL HOUSE LAWYER STUFF.
(see EXHIBIT "H" and all exhibits)

59) After receiving the denial of my grievance for failing to follow the published instructions I was not afforded... I received a SUMMONS to appear on 8-23-10 in Clinton court on charges of Assault and Battery and Attempting to commit a crime based on the 'D' Board of June 5, 2010. (see EXHIBIT "G")

58) The grievance was made out on 7-18-10 relating to a fed. suit... and the next day 7-19-10 the sheriff department charged criminal conduct in retaliation.
(see EXHIBIT "F" and "G" respectively)

59) The grievance of 7-18-10 NEVER MADE IT TO THE GRIEVANCE BOARD for 3 days on (7-21-10) because it was traveling through retaliation proceedings to criminally charge the plaintiff. (see EXHIBIT "F" and "G" respectively)

60) This suit is now filed and its content IS THE ENTIRE DISCOVERABLE DEFENSE Package in the malicious prosecution and abuse of process case in state court Docket number 10-68-CR-1026 Clinton MA.

61) ON or about 8-13-10 the 2 cases of 18 yrs vintage will be terminated and the false imprisonment of case number 10-68-CR-1026 begin physically, with the emotional damage be executed on or about August 3, 2010 the day the Plaintiff received his summons.

62) The Plaintiff is a 17 year resident of Florida, of which the continued separation of family by the Jail and "Persons" therein require damage compensation, and a Prosecutor who lost their 18 year old Robert and are now eager to continue on.

63) The Plaintiff, his wife, and minor child, are now under forced separation by the malicious acts and abuses of the defendants herein, who are the cause of the families (individual) damages and constitutional deprivation of the husband and Dad.

64) The wife and C.S. are under deprivations of equal protection by the due process, fundamental fairness and cruel and unusual punishment the husband and father shall not soon (emotionally) not over come; The shock of being degraded, stripped, threatened, intimidated and oppressed by jailers' actions and the realization of tyranny is not short lived in the heart and mind of MR. ST. Germain in this day and age of American history and his civil rights denied.

FIRST CAUSE OF ACTION

(unknown numerous employees)

GUY W. GLODIS

(Sheriff)

(incorporating all employees/agents)

This Defendant is being Sued in his Personal or individual capacity for acts down and damage incurred by the Defendant while he purports to officially act with custom usage and Policies which deny civil rights secured by the U.S. Constitution of Due Process, equal Protection, fundamental fairness and Protection against Cruel and unusual Punishment, with application of civil torts of false imprisonment, Assault/Battery (By threats and stripping naked), fraud through fabricated 'D' Board and rising to criminal charges by Perjury the DAY AFTER A Grievance was filed.

This Person [S] does implement and enforce, constitutional deprivative Policies of retaliation against "Jailhouse Lawyers" perse and executing malicious 'D' boards to remove and isolate, and through assault (stripping) (implied threats verbal and action) intimidates to cause a desired result of stopping the exercise of meaningful access to courts while Denying administrative remedies (Due Process) through altered waivers on 'D' Board Proceedings as a custom usage and Policy.

If you don't conform to the force of Pressure and refuse your rights, the Jail will Criminal Prosecute you with their IN-HOUSE PERSONAL PROSECUTOR who concerted works by Design to enforce the Jail's intimidation on non complying inmate by abusing the Criminal Process and maliciously choosing in their Person to Prosecute without Probable Cause.

SECOND
CAUSE OF ACTION
 (UN-known assistant Dist. Attorneys)

DISTRICT ATTORNEY
JOSEPH EARLY JR.

This Defendant [S] is [are] being sued in their Personal or individual capacities while acting...or PurPorting to act in their official offices and who Did Proceed on an Armed Robbery warrant to maliciously Stalk the Plaintiff on a F.B.I. national Data base (M.C.I.) with no intention of ever bring him to trial but Suspended his License and deprived his Liberty and when the Plaintiff and Florida officials confronted the issue after 17 yrs, the Prosecution on a single Paragraph on one Police Report moved and received the arrest and \$100,000 Bail while incarcerating the Plaintiff on April 29, 2010...and on May 20, 2010 was informed...Brenda the PurPorted Bar-tender and RICHARD AUGUSTO the Bar Owner remembered nothing and would not co-operate...or could they co-operate in a Robbery case as alleged.

The Prosecutor on May 20, 2010 entered into a conference with the Prosec' Defendant (Plaintiff) and Lied...said he spoke to the Parties and he had a strong case...at this time the Defendant Presented defense [S] and the Prosecutor (Mathew) offered to reduce the charge to Larceny of a Person with a 90 day Jail Sentence; and when the Defendant refused...he continued forward in Prosecution for several more months.

The Clinton Ma. Prosecutors' division of this office did work in retaliation of the robbery case to Proceed in concert with the Sheriff and his department and Persons therein to fabricate and Pursue a wrongful Prosecution; thereby continuing incarceration maliciously by threat and intimidation (assault).

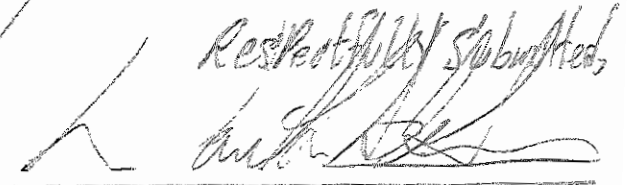
"CONCLUSION"

These offices, entities, corporations and individual persons therein... Did... Conspire to deprive civil rights while acting under the color of law... while implementing and executing illegal and unconstitutional policies which caused physical emotional and harm in Liberty to the Plaintiff.

THE PLAINTIFF FILES THIS COMPLAINT IN GOOD FAITH

Dated: Aug. 9, 2010

Respectfully Submitted,


DANIEL L. ST. GERMAIN
MSA 0069631
5 PAUL X. TRUMAN DRIVE
WEST BOLLSTON MA, 01583